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**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF ALASKA**

STATE OF ALASKA,  
  
Plaintiff,  
  
v.  
  
UNITED STATES OF AMERICA,  
  
Defendant.

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Case No: 3:21-CV-0221-SLG

**JOINT MOTION TO AMEND THE  
SCHEDULING AND PLANNING  
ORDER**

Defendant the United States and Plaintiff the State of Alaska, for good cause, hereby jointly move to amend the Court's December 4, 2023, Order Re Joint Motion to Amend the Scheduling and Planning Order (ECF No. 23).

The good cause for this extension is that the BLM Alaska State Office Data Center recently suffered a data outage caused by a surging transformer. The outage severely affected Defendants' experts' ability to complete their expert reports within the time allotted under the current schedule because they could not access needed data for well over a month.

Unfortunately, moving the current schedule out entirely by one or two months to accommodate for the outage is not feasible. This case, and navigability investigations on other Alaska waterways, require intense field work on behalf of the parties and their experts during the limited summer field season. *See* ECF No. 18-1, at 1-2. Thus, to avoid adversely affecting the parties' experts' field season with the simultaneous drafting

of rebuttal expert reports and maintain a schedule conducive to productive settlement negotiations, the parties have conferred and agreed upon the proposed Amended Case Schedule below.

## **I. Amended Schedule**

|                          |   |
|--------------------------|---|
| <b>May 1, 2024</b>       | Exchange of Initial Expert Reports;<br><br>Exchange Documents Supporting Initial Expert Reports   |
| <b>October 1, 2024</b>   | Exchange of Rebuttal Expert Reports<br><br>Three-Month Pause of Discovery for Settlement Discussions Begins   |
| <b>January 1, 2025</b>   | Discovery Resumes;<br><br>Exchange of Preliminary Witness Lists.  |
| <b>February 14, 2025</b> | Exchange of Final Witness Lists   |
| <b>May 1, 2025</b>       | Close of Discovery;<br><br>Six-Month Pause for Settlement Discussions Begins  |
| <b>August 1, 2025</b>    | Joint Status Report to update court on settlement status and, if necessary, to propose a deadline for the filing of motions under LR 16.1(c)(7)-(8) |

## **II. Pauses for Settlement Negotiations**

To allow dedicated time for settlement negotiations or mediation, the Parties have proposed a schedule that includes a pause following the exchange

of expert rebuttal reports. During this pause, if it aids settlement discussions and by agreement of the Parties, the Parties may conduct depositions of expert witnesses or request additional modifications of the schedule. The Parties have also proposed an additional pause following the close of discovery before the onset of summary judgment briefing.

### **III. Amended Summary Judgment Schedule**

This amended schedule necessarily alters the Summary Judgment schedule. The proposed Amended Summary Judgment schedule is set forth below.

|                         |   |
|-------------------------|---|
| <b>October 31, 2025</b> | Plaintiff's Motion for Summary Judgment<br>(limited to 14,000 words)                    |
| <b>January 30, 2026</b> | Defendant's Cross-Motion for Summary Judgment and Response<br>(limited to 14,000 words) |
| <b>May 1, 2026</b>      | Plaintiff's Response and Reply<br>(limited to 14,000 words)                             |
| <b>July 1, 2026</b>     | Defendant's Reply<br>(limited to 10,000 words)  |

### **IV. Stipulated Agreement concerning Discovery and Trial preparation materials.**

Except as amended here, all terms in the prior Stipulated Agreement and Scheduling and Planning Order with this Joint Motion shall remain in effect.

For the foregoing reasons, the parties respectfully request that the Court grant the motion. A proposed order is attached.

Dated: January 30, 2024

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/s/ Lael A. Harrison (with permission)

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